

REMARKS

Claims 1-36 remain pending after amendment.

Claim Amendments

Various editorial amendments are made in the claims. No new matter, nor any limiting amendments, are added by this amendment.

Applicants' Claimed Invention

By way of review, applicants' claimed invention is defined by the following independent claims 1, 14, 23 and 32 (as amended):

1. A cellulose acylate film comprising:
plural layers of cellulose acylate including two surface layers and at least one inner layer;
wherein the average degree of acylation of cellulose acylate in said two surface layers is in the range of 0.5 to 2.8 and the average degree of acylation of cellulose acylate in said inner layer is higher than that of said two surface layers.

14. A cellulose acylate film to be laminated on a hydrophilic material, comprising:

plural layers of cellulose acetate in which the average degree of acylation of said cellulose acylate in said layers is different;

a surface layer of said plural layers that is to be laminated on said hydrophilic material, wherein the average degree of acylation of cellulose acylate in said surface layer is in the range of 0.5 to 2.8; and

wherein said average degree of acylation of cellulose acylate in each layer is adjusted by mixing plural cellulose acylates having different average degrees of acylation.

23. A cellulose acylate film to be laminated on a hydrophilic material, comprising:

plural layers of cellulose acylate including at least a first layer and a second layer, said first

layer having a first surface to be stacked on said hydrophilic material and a second surface on said second layer;

wherein the average degree of acylation of cellulose acylate in said first layer is in the range of 0.5 to 2.8, and the average degree of acylation of cellulose acylate in said second layer is different from that of said first layer.

32. A method of producing a cellulose acylate film to be laminated on a hydrophilic material, said method comprising:

preparing plural solutions which include at least a first solution and a second solution, in said first solution a first material whose average degree of acylation is in the range of 0.5 to 2.8 being dissolved in a solvent, in said second solution a second material whose average degree of acylation is different from said first material being dissolved in a solvent, said average degrees of acylation of said first and second materials being adjusted by mixing plural cellulose acylates whose average degrees of acylation are different;

casting said plural solutions on a substrate to form said cellulose acylate film having plural layers in which a second layer is formed on a first layer, said first layer which is to contact to said hydrophilic material being formed over said first solution, said second layer being formed of said second solution; and peeling said cellulose acylate film from said substrate.

The claimed invention is neither disclosed nor suggested by the cited prior art.

Rejection under 35 USC 103(a)

Claims 1-36 stand rejected under 35 USC 103(a) as being unpatentable over Honda et al U.S. Patent No. 6,211,358. This rejection respectfully is traversed.

In support of the rejection, the Examiner states that "The applied Honda '358 reference teaches that it is known in the art to make and use a cellulose acylate film wherein the average degree of acylation of cellulose acetate is not more than 3."

However, applicants' claimed invention is not directed to a cellulose acylate film *per se* having the recited degree of acylation, but is instead directed to a construction or assembly comprised of plural layers of a cellulose acylate film having an average degree of acylation of from 0.5 to 2.8, with the average degree of acylation in the respective layers being different (e.g., where the degree of acylation in the outer layers is less than the degree of acylation of an inner layer). A method of production of the noted construction or assembly is also claimed.

The Examiner acknowledges this basic deficiency of the reference, stating at the paragraph bridging pages 2 and 3 of the Official Action as follows:

"The applied Honda '358 does not specifically teach that the cellulose acylate film should be composed of a plural layers. However, it would have been obvious to one having ordinary skill in the art at the time of the invention to use plural layers of the cellulose acylate films since such would improve mechanical strength of the film. Also, the examiner submits that the technique known as co-casting of the films is a commonly-used in the art to adjust the properties of the films."

Given the noted deficiency of the reference, applicants submit that the Examiner has not presented a *prima facie* case of obviousness against the claimed invention.

Indeed, the Examiner's basis for the rejection is based purely on conjecture and supposition, especially given the failure of the reference to teach any embodiment other than a single layer of cellulose acylate, or any method of production of such a product.

Given the above deficiencies, the rejection is without basis and should be withdrawn.

The application is believed to be in condition for allowance, and an early indication of same is earnestly solicited.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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